

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 08-2896

Michael E. McKinzy, Sr.,	*	
	*	
Appellant,	*	
	*	Appeal from the United States
v.	*	District Court for the Western
	*	District of Missouri
Union Pacific Railroad Co.,	*	
	*	
Appellee.	*	

Submitted: April 14, 2009

Filed: June 15, 2009

Before LOKEN, Chief Judge, and COLLOTON, Circuit Judge, and ROSENBAUM,¹
District Judge.

ROSENBAUM, District Judge

Michael E. McKinzy appeals the district court's grant of summary judgment to the Union Pacific Railroad Company. For the reasons set forth in the order issued by the district court,² we affirm. See 8th Cir. R. 47B.

¹The Honorable James M. Rosenbaum, United States District Judge for the District of Minnesota, sitting by designation.

²The Honorable Greg Kays, United States District Court, Western District of Missouri.